IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 348 OF 2006.

Vasu Sadanand Kulkarni. ... Petitioner.
Versus.
Vijay Rajaram Hiramal & others. ... Respondents.

Ms.Vidhya Manjarekar i/by Ms.Tripti R.Rangnekar for the Petitioner.

Ms.Subhangi Chavan i/by Shri A.M.Saraogi for the Respondent No.1.

Ms.Bhor for the Respondent Nos.2 to 4.

CORAM : ABHAY S.OKA, J.

DATED : 15th June, 2007.

P.C.:

1. Heard the Advocates appearing for the parties. The Advocate appearing for the Petitioner pointed out that the suit structure of the 1st Respondent was demolished by the 2nd Respondent. She stated that in the affidavit filed by the 2nd Respondent it is stated that after demolition of the structure, it was found that a wooden bakda with one chair and a broken cot was kept on the foot path at the site of the earlier structure by the 1st Respondent. It is stated in the affidavit that on 5th April 2007, the unauthorised stall has been removed by the 2nd Respondent.

2. In view of this position, the learned Advocate for the Petitioner stated that the Petitioner is not pressing the petition so far as prayer clauses (a) and (b) are concerned. She, however, submits that the

defence of the 1st Respondent deserves to be struck out as there is a deliberate breach of the order committed by him.

3. The order of striking out the defence cannot be passed in this petition and for that purpose the Petitioner will have to take out appropriate proceedings before the trial Court. Accordingly, the notice issued to the Contemnor is discharged. The contempt petition is disposed of. It will be open for the Petitioner to take out appropriate application before the trial Court for striking out the defence of the concerned Respondent.

Judge.